

Attorney Docket No.: 00P9128US

**REMARKS**

Upon entry of the instant Amendment, Claims 1-20 are pending. Applicants gratefully acknowledge that claims 16-19 were indicated to be allowable and that claims 1-15 and 20 were indicated to be allowable if amended to overcome the Section 112 rejections. Claims 1, 5, 9, 12, and 20 have been so amended and thus they, and the claims depending therefrom, should be allowable.

Claims 1-15 and 20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the claims 1, 5, 9, and 12 were indicated to lack recitation of frequency selection and this do "not achieve the goal of frequency selection." The claims have been amended to recite "for use in frequency selection;" Applicants believe this addresses a goal of the claims. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

In claim 20, the phrase "wherein a duration a carrier frequency" was indicated to not be understood. Claim 20 has been amended to recite "wherein a duration of use of a carrier frequency..." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

PLEASE MAIL CORRESPONDENCE TO: Respectfully submitted,

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